

Permit No.

Name of permittee *County of Kauai*
Port Allen Ocean Outfall Sewer

Effective date

Expiration date *September 1, 1979*

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM

DISCHARGE PERMIT

In reference to application number: *HT0020265* for a permit authorizing a discharge in compliance with the provisions of the Act of Congress enacted October 18, 1972, (86 Stat. 816) entitled the Federal Water Pollution Control Act Amendments of 1972 (hereinafter referred to as "the Act"), the *County of Kauai* is authorized by the Environmental Protection Agency, Region IX, to discharge

from: *Port Allen Ocean Outfall Sewer*
Port Allen Breakwater
Port Allen, Kauai, Hawaii

to the waters of the United States at:

Port Allen, Kauai, Hawaii

Latitude: 21° 54' 07" N

Longitude: 159° 35' 24" W

in accordance with the following conditions:

Drafted by
State of HI
Jan 1974

1. All discharges authorized herein shall be consistent with the terms and conditions of this permit. Changes in treatment capacity, process modifications or new connections which result in new or significantly increased discharge(s) of pollutants must be reported to the Regional Administrator at least 30 days prior to the initiation of such new or significantly increased discharge(s) of pollutants. If such new or significantly increased discharge(s) may violate the conditions specified in this permit, a new NPDES application must be submitted to the Regional Administrator at least 180 days prior to the initiation of such new or significantly increased discharge(s) of pollutants. The discharge of any pollutant more frequently than or at a level in excess of that identified and authorized by this permit shall constitute a violation of the terms and conditions of this permit.

2. After notice and opportunity for a hearing, this permit may be modified, suspended, or revoked in whole or in part during its term for cause including, but not limited to, the following:

- a. Violation of any terms or conditions of this permit;
- b. Obtaining this permit by misrepresentation or failure to disclose fully all relevant facts;
- c. A change in any condition that requires either a temporary or permanent reduction or elimination of the authorized discharge.

3. Notwithstanding 2 above, if a toxic effluent standard or prohibition (including any schedule of compliance specified in such effluent standard or prohibition) is established under Section 307(a) of the Act, or amendments thereto, for a toxic pollutant which is present in the discharge authorized herein and such standard or prohibition is more stringent than any limitation upon such pollutant in this permit, the Regional Administrator shall revise or modify this permit in accordance with the toxic effluent standard or prohibition and so notify the permittee.

4. The permittee shall allow the Director of the State water pollution control agency, the Regional Administrator, and/or their authorized representatives, upon presentation of credentials:

- a. To enter upon the permittee's premises where an effluent source is located or in which any records are required to be kept under the terms and conditions of this permit;

b. To have access to at reasonable times and copy any records required to be kept under the terms and conditions of this permit;

c. To inspect at reasonable times any monitoring equipment or monitoring method required in this permit; or,

d. To sample at reasonable times any discharge of pollutants.

5. The discharge of any radiological, chemical, or biological warfare agent or high-level radioactive waste into waters of the United States is prohibited.

6. In the event of any change in control or ownership of land or waste discharge facilities presently owned or controlled by the permittee, the permittee shall notify the succeeding owner or controller of the existence of this permit by letter, a copy of which shall be forwarded to the Regional Administrator and the State Agency.

7. The permittee shall at all times maintain in good working order and operate as efficiently as possible all treatment or control facilities or systems installed or used by the permittee to achieve compliance with the terms and conditions of this permit.

8. The issuance of the permit does not convey any property rights in either real or personal property, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of Federal, State or local laws or regulations.

9. This permit does not authorize or approve the construction of any onshore or offshore physical structures or facilities or the undertaking of any work in any navigable waters.

10. Pretreatment of Industrial Wastewaters

The permittee shall impose such requirements on major contributing industries as may be necessary to assure compliance with Sections 307 and 308 of the Act, and regulations promulgated pursuant thereto. The permittee shall provide quarterly reports to the Regional Administrator and State Agency regarding the implementation of pretreatment requirements which have been imposed on each major contributing industry and the results achieved therefrom. Such quarterly reports shall include any implementation schedules which have been imposed on major contributing industries.

The permittee shall notify the Regional Administrator of a new discharge by any major contributing industry at least 180 days prior to the initiation of such discharge into the permittee's facility. The notification shall include the information contained in Section IV of EPA Form 7550-22 (7-73).

If such information has not been submitted to the Regional Administrator regarding an existing major contributing industry prior to the effective date of this permit, the permittee shall submit to the Regional Administrator the information contained in Section IV of EPA Form 7550-22 (7-73) for each such major contributing industry within one year from the effective date of this permit.

After receipt and review of such information, the Regional Administrator may revise or modify the conditions of this permit, including any necessary effluent limitations for any pollutants not identified and limited herein.

The permittee shall require each major contributing industry to establish and implement a program, acceptable to the Regional Administrator, for monitoring the industry's waste discharge into the permittee's sewerage system. This monitoring program shall comply with conditions 13a (Quality Control), 13b (Recording), and 13c (Sampling and Analysis) of this permit.

The permittee shall require each major contributing industry to submit monitoring results on the Discharge Monitoring Report Form. The permittee shall forward copies of the industry Monitoring Reports to the Regional Administrator and the State Agency at quarterly intervals.

11. Alternative Electric Power Source

The permittee shall either:

a. no later than 270 days after issuance of this permit, certify in writing to the Regional Administrator that the permittee has installed or provided for an alternative electric power source sufficient to operate all facilities utilized by permittee to maintain compliance with the terms and conditions of the permit, or

b. no later than thirty days after the effective date of this permit, certify in writing to the Regional Administrator that upon the reduction, loss, or failure of one or

more of the primary sources of electric power to any facilities utilized by the permittee to maintain compliance with the terms and conditions of this permit, the permittee shall control all discharges so as to maintain compliance with the terms and conditions of this permit.

The alternate power supply, as referred to in 11a above, whether from a generating unit located at the plant site or purchased from an independent producer of electricity, must be separate from the existing power source used to operate the waste treatment facilities. If a separate facility located at the plant site is to be used, the permittee shall certify in writing to the Regional Administrator when the facility is completed and prepared to generate power.

12. Holding Pond Conditions

If any waste waters from the permittee's facility are placed in ponds, such ponds shall be located and constructed so as to:

- a. contain with no discharge the once-in-one-hundred years storm at said location;
- b. withstand with no discharge the once-in-one-hundred years flood of said location; and
- c. prevent escape of waste water by leakage.

13. Monitoring and Reporting

a. Quality Control

The permittee shall calibrate and perform maintenance procedures on all monitoring and analytical instrumentation at sufficiently frequent intervals to ensure accuracy of measurements or shall insure that both activities will be conducted.

Samples shall be representative of the volume and quality of effluent discharged over the sampling and reporting period.

b. Recording

The permittee shall record for all samples, the date and time of sampling, the sample method used, the date analyses were performed, the identity of the analysts, and the results of all required analyses and measurements.

(1) All sampling and analysis records mentioned in the preceding paragraph and all original strip-chart recordings from any continuous monitoring instrumentation together with any calibration and maintenance records shall be retained for a minimum of three years. This period will be extended during the course of any unresolved litigation, or when so requested by the Regional Administrator.

(2) The permittee shall identify and record the effluent sampling point used for each discharge outfall.

(3) The permittee shall provide the above records and shall demonstrate the accuracy of the flow measuring devices upon request of the Regional Administrator.

c. Sampling and Analysis

A sampling station shall be established for each point of discharge and shall be located where representative samples of effluent can be obtained prior to discharge and where the effluent can be observed.

The analytical and sampling methods used, must conform to any one of the following reference methods (latest edition) and to any guidelines establishing test procedures for the analysis of pollutants promulgated by the Administrator of the Environmental Protection Agency pursuant to Section 304(g) of the Act. However, different but equivalent methods are allowable if they receive the prior, written approval of the Regional Administrator.

304(g)

- (1) Standard Methods for the Examination of Water and Wastewaters, 13th Edition, 1971, American Public Health Association, New York, New York 10019
- (2) A.S.T.M. Standards, Part 23, Water; Atmospheric Analysis, 1970, American Society for Testing and Materials, Philadelphia, Pennsylvania 19103
- (3) Methods for Chemical Analysis of Water and Wastes, April 1971, Environmental Protection Agency Water Quality Office, Analytical Quality Control Laboratory, 1014 Broadway, Cincinnati, Ohio 45202

304(g) { If an accurate correlation can be established between BOD and other effluent constituents, sampling and analysis for such other constituents may be substituted for the BOD determination upon the approval of the Regional Administrator.

d. Reporting

The results of the monitoring requirements shall be reported on the Discharge Monitoring Report Form in the units specified. The permittee shall include in this report any previously approved non-standard methods used. Permanent elimination of a discharge should be brought to the attention of the Regional Administrator and State Agency within 15 days by a special, written notification. A written report shall be submitted if there have been any modifications in the waste collection, treatment, and disposal facilities not provided for in this permit; changes in operational procedures; or other significant activities which alter the nature and frequency of the discharges or otherwise concern the conditions of this permit.

If the permittee monitors any pollutant more frequently than is required by this permit, he shall include the results of such monitoring in the calculation and reporting of the values required in the Discharge Monitoring Report Form. Such increased frequency shall be indicated on the Discharge Monitoring Report Form.

If the discharge is intermittent rather than continuous, then on the first day of each such intermittent discharge, the permittee shall monitor and record data for all of the constituents listed in the monitoring schedule, after which the frequencies of analysis listed in the monitoring schedule shall apply for the duration of each such intermittent discharge. In no event shall the permittee be required to monitor and record data more often than twice the frequencies listed in the monitoring schedule.

All reports shall be signed by the principal executive officer, ranking elected official, or other duly authorized employee.

14. Non-Compliance with Conditions of Permit

In the event the permittee is unable to comply with any of the conditions of this permit, the permittee shall notify the Regional Administrator and State Agency in writing, as soon as he or his agents have knowledge of such non-compliance.

The written notification shall include pertinent information explaining reasons for the non-compliance and shall indicate what steps were taken to correct the problem, and the dates thereof, and what steps are being taken to prevent the problem from recurring.

In addition, if non-compliance is with respect to any of the effluent limits of this permit, the permittee shall immediately notify the Regional Administrator of such non-compliance by telephone (415-556-3450). The Regional Administrator may then require the permittee to initiate a monitoring program to analyse the discharge at least once every day for those constituents for which the effluent limits have been violated. Such daily analyses shall continue until compliance with the effluent limits has been attained, or until such time as the Regional Administrator determines to be appropriate. The results of such monitoring programs shall be included in the Discharge Monitoring Reports.

Non-compliance with the conditions of this permit due to causes outside the reasonable control of the permittee, such as the introduction into the permittee's facility of batch discharges of pollutants by agents unknown to the permittee, shall not be deemed by the Regional Administrator to be violations of the terms and conditions of this permit.

15. Oil Discharges

There shall be no discharge of harmful quantities of oil, as defined pursuant to 40 CFR 110, including (1) any amendments or revisions made subsequent hereto, or (2) any more restrictive limitations which may be imposed otherwise by law or regulation. The authorization of this permit does not preclude the institution of any legal action, nor relieve the permittee from any liabilities, penalties or responsibilities established by Section 311 of the Act, or amendments thereto, or by any superseding Federal or State legislation.

16. Solids Disposal

Solids, sludges, filter backwash, or other pollutants removed from or resulting from treatment or control of wastewater shall be disposed of in such manner as to prevent any pollutant from such materials from entering waters of the United States. This restriction shall not preclude the return of screenings, sludges and other solids into the waste treatment facility as long as effluent limitations prescribed in this permit are not violated.

17. Bypass of Waste Treatment Facilities

The diversion or bypass of any discharge from facilities utilized by the permittee to maintain compliance with the terms and conditions of this permit is prohibited, except (1) where unavoidable to prevent loss of life or severe property damage, or (2) where excessive storm drainage or runoff would damage any facilities necessary for compliance with the terms and conditions of this permit. The permittee shall immediately notify the permit issuing authority in writing of each such diversion or bypass in accordance with the procedure specified above for reporting non-compliance.

18. Submission of Reports

Unless otherwise specified, the permittee shall submit duplicate original copies of all reports to the head of the State Agency and the Regional Administrator. When quarterly reporting is specified, reports must be submitted no later than fifteen (15) days after the end of quarters ending on the last days of March, June, September, and December. All reports shall be available for public inspection at the offices of the head of the State Agency and the Regional Administrator. Knowingly making any false statements on any such report may result in the imposition of criminal penalties as provided for in Section 309 of the Act.

19. Reapplication

If the permittee desires to continue to discharge, he shall reapply not later than 180 days before this permit expires, on the application forms then in use.

20. Effluent Limits

a. General

Except as specified in the effluent limitations below, materials ordinarily discharged from this facility

_____, may be discharged, provided:

(1) they are not

(a) designated as hazardous under provisions of Section 311 of the Act, or amendments thereto, or

(b) known to be hazardous or toxic by the permittee; except that such materials may be discharged in certain limited amounts with the written approval of, and under special conditions established by, the Administrator or his designated representative, if the substances will not pose any imminent hazard to public health or safety;

(2) the permittee is not notified by the Regional Administrator to eliminate or reduce the quantity of such materials in the discharge.

b. Specific (Discharge Serial Number 001)

(1) The effluent limits contained below are based upon a design treatment capacity of 0,0098 cubic meters per second (0.2 million gallons per day).

(2) The permittee is authorized to discharge to the Pacific Ocean an effluent whose characteristics shall not exceed at any time the following limits:

CONSTITUENT	POLLUTANT DISCHARGE RATE			DISCHARGE CONCENTRATION LIMITS		
	Monthly Average	Weekly Average	Daily	Monthly Average	Weekly Average	Daily
Biochemical Oxygen Demand	23 kg/day (50 lbs/day)	35 kg/day (75 lbs/day)	69 kg/day (150 lbs/day)	30 mg/l	45 mg/l	---
Suspended Solids	23 kg/day (50 lbs/day)	35 kg/day (75 lbs/day)	69 kg/day (150 lbs/day)	30 mg/l	45 mg/l	---
Fecal Coliform Bacteria	---	---	---	200/100 ml	400/100 ml	2000/100 ml

(3) The monthly average removal efficiency for Biochemical Oxygen Demand and Total Suspended Solids shall not be less than 85%.

(4) The pH of the effluent shall not be less than 6.0 nor greater than 9.0 at any time.

(5) The effluent shall not contain visible floating solids at any time.

(6) The effluent shall not contain settleable solids in excess of a 30-day average of 0.1 ml/l or a daily maximum of 0.2 ml/l at any time.

(7) The discharge shall not cause objectionable odors at the surface of the receiving waters.

21. Implementation Schedule.

a. The Schedule

Within sixty days of the effective date of this permit, the permittee shall provide to the Regional Administrator an Implementation Schedule for an abatement program to achieve, by June 30, 1977, the effluent limits established in item 20b(2) of this permit. Upon approval of the Regional Administrator the final and interim dates contained in this schedule shall become a condition of this permit.

b. Reporting and Non-Compliance

Permittee shall report to the Regional Administrator in writing within 14 days, following each date on the Implementation Schedule, describing his compliance or non-compliance with the schedule date and event. If non-compliance is being reported, reasons for the non-compliance shall be stated plus an estimate of the date by which the permittee will be in compliance. The permittee will notify the Regional Administrator by letter, when in fact he has returned to compliance with the Implementation Schedule.

22. Monitoring and Reporting Schedule

The permittee shall monitor and record the quality and quantity of each discharge according to the following schedule and the provisions of condition 13.

a. Monitoring Schedule

<u>Discharge Serial Number</u>	<u>Constituent</u>	<u>Minimum Frequency of Analysis</u>	<u>Sample Type</u>
001	Flow	Once each week day	Discrete
001	pH	Once per month	Discrete

<u>Discharge Serial Number</u>	<u>Constituent</u>	<u>Minimum Frequency of Analysis</u>	<u>Sample Type</u>
001	Settleable Solids	Once per month	Discrete
001	Fecal Coliforms	Once per month	Discrete
001	Total Suspended Solids**	Once per month	Composite
001	Biochemical Oxygen Demand**	Once per month	Composite
001	Total Residual Chlorine	Once per month	Discrete

**Both the influent and effluent shall be sampled as nearly simultaneously as feasible.

b. The permittee shall (1) implement the monitoring schedule above within 30 days from the effective date of this permit and (2) submit quarterly reports properly filled in and signed to the Regional Administrator and State Agency. Monitoring, analytical, and reporting requirements may be modified by the Regional Administrator upon due notice.

23. Definitions

For purposes of this permit, the following definitions shall apply:

Regional Administrator: Regional Administrator
Environmental Protection Agency
Region IX
100 California Street
San Francisco CA 94111

State Agency:

Director of Health
State of Hawaii
P.O. Box 3378
Honolulu, Hawaii 96801

Daily Pollutant Discharge Rate

The daily pollutant discharge rate shall be the value of M that is obtained from either of the following calculations for any calendar day:

$$M(\text{lbs/day}) = \frac{8.34}{N} \sum_{i=1}^N Q_i C_i; \quad M(\text{kg/day}) = \frac{86.4}{N} \sum_{i=1}^N Q_i C_i$$

in which N is the number of samples analyzed in any calendar day, and Q_i and C_i are the flow rate (million gallons per day or cubic meters per second) and the constituent concentration (milligrams per liter), respectively, which are associated with each of the N samples. For any sample concentration, the associated flow rate is the average rate occurring during the period of sampling.

Average Pollutant Discharge Rate

The average pollutant discharge rate shall be the arithmetic average of all of the values of M calculated using the results of analyses of all samples collected during the specified consecutive calendar day period. If fewer than four (4) samples are collected and analyzed during the specified consecutive calendar day period, compliance with the average pollutant discharge rate limitation shall not be determined.

Concentration Limits

Concentration limits shall be applied to the concentration values associated with any single discrete or composite sample.

Concentration Averages

A concentration average, other than for fecal coliform bacteria, is the arithmetic mean of samples collected over the specified consecutive day period. The concentration average for fecal coliform bacteria is the geometric mean of the samples collected over the specified consecutive day period.

Discrete Sample:

An individual sample collected in less than 15 minutes.

Composite Sample:

A combination of no fewer than eight individual samples obtained at equal time intervals over the specified sampling period. The volume of each individual sample shall be proportional to the discharge flow rate at the time of sampling. The sampling period shall be the period between 8:00 a.m. and 4:00 p.m. for each day of sampling.

Major Contributing Industry

A major contributing industry is one that: (1) has a flow of 50,000 gallons or more per average work day; (2) has a flow greater than five percent of the flow carried by the municipal system receiving the waste; (3) has in its waste a toxic pollutant in toxic amounts as defined in standards issued under Section 307(a) of the Act; or (4) is found by the Regional Administrator to have significant impact, either singly or in combination with other contributing industries, on the treatment works or the quality of its effluent.

Monthly Average Removal Efficiency

The monthly average removal efficiency shall be the percentage of a pollutant which is removed from the influent waste stream into a treatment facility prior to discharge from the treatment facility. The percentage removal shall be calculated using the arithmetic average of the values

calculated using the results of analyses of all samples collected during any 30 consecutive calendar day period. Influent and effluent samples used in the calculation of removal efficiency shall be collected as nearly simultaneously as is feasible.

Significant Increase in Discharge

An increase in discharge flow rate of greater than 10% of the "Annual Average Value" reported on the application for the permit.

Industry

Industry shall be defined as all facilities identified in the Standard Industrial Classification Manual, 1972, Office of Management and Budget, as amended and supplemented, under the following divisions:

- a. Division A - Agriculture, Forestry, and Fishing
- b. Division B - Mining
- c. Division D - Manufacturing
- d. Division E - Transportation, Communications, Electric, Gas, and Sanitary Services
- e. Division I - Services

A facility in the Divisions listed may be excluded if it is determined by the Regional Administrator that it introduces primarily domestic wastes or wastes from sanitary conveniences.

The Regional Administrator has notified the applicant and interested agencies and persons of his intent to issue a permit for the discharge described in Application No. HI0020265 and has provided them an opportunity for a public hearing and an opportunity to submit their written views and recommendations.

This permit shall become effective on the date of signature and shall expire on September 1, 1979.

By authority of the United States Environmental Protection Agency.

FOR THE REGIONAL ADMINISTRATOR

Date

Director, Enforcement Division